IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 3648 of 1998

Between:

Venkat Reddy S/o Laxmma Reddy
R/o Ammapur(V), Nawabpet Mandal,
Mahabubnagar Distirct

..... PETITIONER

AND

1 The District Collector (P.W)
Mahabubnagar
2 The Mandal Revenue Officer, Nawabpet Mandal,
Mahabubnagar District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order more particularly in the nature of Writ of Certiorari by calling the records and quash the order dt. 10/03/1997 in proceedings No.A2/1341/94 passed by the first respondent herein and declare that the same in unjust and arbitrary.

Counsel for the Petitioner: MR.VENKATA RAM REDDY PANDUGA

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

ORDER:

The petitioner filed this writ petition seeking to quash the order dated 10-3-1997 passed by the first respondent in proceedings No.A2/1341/94 directing him to pay an amount of Rs.73,890/- towards the monetary loss caused to the Gram Panchayat, Ammapur.

The petitioner states that during his tenure as Sarpanch of Ammapur Gram Panchayat he drew an amount of Rs.1,95,520/- from Jawahar Rojagar Yojana (JRY) Fund, and utilized an amount of Rs.1,21,630/- for different types of development works in the Gram Panchayat, and spent the balance amount of Rs.73,890/- for construction of a school building and a side drain in the village. He states that he could not complete the said two works due to expiry of his tenure and that he did not misappropriate the funds. He states that in spite of his several requests, the A.E., Panchayatraj has not recorded the said works in the M.B. records. He states that to the notice dated 25-7-1994 issued by the first respondent calling for his explanation with regard to misappropriation of JRY funds, he gave a reply dated 03-8-1994. His grievance is that the first respondent, without giving him any show-cause notice and without providing him an opportunity of being heard, passed the impugned order, which is arbitrary and violative of principles of natural justice. Hence, the writ petition.

A counter-affidavit is filed on behalf of the first respondent stating that during the tenure as Sarpanch of Ammapur Gram Panchayat, the petitioner drew an amount of Rs.1,95,520/- under JRY, and executed works worth of Rs.1,21,630/- leaving a

balance of Rs.73,890/- without executing any work, and failed to produce the records before Divisional Panchayat Officer, Mahabubnagar as reported by his letter No.A/483/91, dated 15-3-1994. The first respondent states that the petitioner himself admitted that he received a notice on 25-7-1994. He also states that a show-cause notice was issued to the petitioner in office file No.A2/1341/94, dated 08-11-1996 and he was allowed 15 days time to furnish his reply to the said show-cause notice and since the petitioner did not submit his reply, the impugned order was passed for recovery of the misused amount of Rs.73,890/- from the petitioner and the same was communicated to the petitioner. Thus, it is prayed to dismiss the writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj and Rural Development.

The learned Government pleader produced the show-cause notice, dated 08-11-1996 issued to the petitioner and the postal receipt bearing No.577. Therefore, the contention of the petitioner that no show-cause notice was issued to him before passing the impugned order cannot be sustained. Inasmuch as the petitioner has not challenged the impugned order before the Government by way of revision as contemplated under Section 264 of the Andhra Pradesh Panchayat Raj Act, 1994, the impugned order directing the petitioner to pay an amount of Rs.73,890/- towards the monetary loss caused to the Gram panchayat, Ammapur, cannot be said to be arbitrary and irregular. There are no merits in the writ petition.

Accordingly, the writ petition is dismissed. No costs. The learned counsel for the petitioner submits that the petitioner may be permitted to submit a representation to the first respondent with all relevant material to show that he has not misappropriated the Gram Panchayat funds and that the school building was completed up to roof level and majority of drain work was also completed with the balance amount of JRY funds. This Court cannot grant such a relief in view of dismissal of the writ petition. However, it is open for the petitioner to approach the first respondent and seek such a relief, if he so intends.

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N.V. RAMANA, J

Date: 11-4-2005

Svv

..... REGISTRAR

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SECTION OFFICER

To

1 The District Collector (P.W)
Mahabubnagar
2 The Mandal Revenue Officer, Nawabpet Mandal,
Mahabubnagar District

3 Two Ccs. to the Government Pleader for Panchayat Raj and Rural Development, High Court buildings, A.P., Hyderabad (OUT).

4 Two CD copies.

*Form-NIC-OGS/WP{**KCS**}*